

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

SOFIENE ROMDHANI, MICHELLE	)	
MALONEY, and BOBBI JOE ZELLER,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No. 07-715 (JJF)
v.	)	
	)	
EXXON MOBIL CORPORATION,	)	
	)	
Defendant.	)	
	)	

---

**DEFENDANT EXXON MOBIL CORPORATION'S  
MOTION TO DISMISS AND TO STRIKE**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Exxon Mobil Corporation (“ExxonMobil”) hereby moves to dismiss Counts VII, VIII, and IX of the Complaint on the ground that Plaintiff Sofiene Romdhani has, in those counts, failed to state claims upon which relief can be granted.

In addition, pursuant to Fed. R. Civ. P. 12(f), Defendant ExxonMobil in addition hereby moves to strike paragraphs 40, 50, 51, 69, 70, 71, 75, 76, and 77 of the Complaint as immaterial and prejudicial to the Defendant. The grounds for this motion are set forth in Defendant Exxon Mobil Corporation's Opening Brief in Support of Its Motion to Dismiss and to Strike, filed simultaneously herewith.

POTTER ANDERSON & CORROON LLP

OF COUNSEL:

Joe Robert Caldwell, Jr.  
Benjamin Kringer  
Rachel M. McKenzie  
BAKER BOTTS LLP  
1299 Pennsylvania Avenue, NW  
Washington, DC 20004-2400  
(202) 639-7700

Dated: December 20, 2007  
839180

By /s/ Kathleen Furey McDonough  
Kathleen Furey McDonough (#2395)  
Sarah E. DiLuzio (#4085)  
Hercules Plaza, 6th Floor  
1313 N. Market Street  
P.O. Box 951  
Wilmington, DE 19801  
(302) 984-6000

Attorneys for Defendant  
Exxon Mobil Corporation

**CERTIFICATE OF SERVICE**

I hereby certify this 20<sup>th</sup> day of December that the foregoing was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing to the following counsel of record that the document is available for viewing and downloading from CM/ECF:

Timothy J. Wilson, Esquire  
Martin & Wilson, P.A.  
1508 Pennsylvania Avenue  
Wilmington, DE 19806

*/s/ Kathleen Furey McDonough*  
Kathleen Furey McDonough (#2395)  
Potter Anderson & Corroon LLP  
1313 North Market Street  
Hercules Plaza, 6th Floor  
Wilmington, DE 19801  
(302) 984-6000  
[kmcdonough@potteranderson.com](mailto:kmcdonough@potteranderson.com)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

---

SOFIENE ROMDHANI, MICHELLE )  
MALONEY, and BOBBI JOE ZELLER, )  
v. )  
Plaintiffs, )  
EXXON MOBIL CORPORATION, )  
Defendant. )  
\_\_\_\_\_  
Civil Action No. 07-715 (JJF)

**ORDER**

The Court having considered Defendant Exxon Mobil Corporation's Motion to Dismiss and to Strike, it is hereby **ORDERED** that the Motion is **GRANTED**, and that:

1. Counts VII, VIII, and IX of the Complaint are dismissed;
2. Paragraphs 40, 50, 51, 69, 70, 71, 75, 76, and 77 shall be stricken from the Complaint; and
3. Within 10 days of the date of this Order, Plaintiffs shall file an Amended Complaint consistent with the terms of this Order.

SO ORDERED, this \_\_\_\_ day of January, 2008.

---

Joseph J. Farnan, Jr.  
United States District Judge